

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**ALYSSA S MYERS**

Claimant

**APPEAL NO. 13A-UI-10227-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CARGILL MEAT SOLUTIONS CORP**

Employer

**OC: 08/04/13**

**Claimant: Appellant (1)**

Section 96.5-2-a – Discharge/Suspension for Misconduct

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated August 30, 2013, reference 01, that concluded she was suspended for work-connected misconduct. A telephone hearing was held on October 16, 2013. The parties were properly notified about the hearing. The claimant participated in the hearing. Angie Stevens participated in the hearing on behalf of the employer.

**ISSUE:**

Was the claimant discharged for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant worked full time for the employer as an hourly quality assurance manager from December 6, 2010, to August 2, 2013. She was informed and understood that under the employer's work rules, dishonesty, falsification, and misrepresentation of safety information was grounds for discharge.

Only employees who had completed total quality assurance training and pass the certification test were allowed in livestock area. Those with certification were given a sticker to put on their helmet, which gave them the authorization to go back to the livestock area.

In July 2013, the claimant went into the livestock area without being certified. A manager caught her in the area. He told her that she was not authorized and did not have the TQA sticker to be in the livestock area. A couple of weeks later, the claimant approached a supervisor and asked for TQA sticker. The supervisor gave her the sticker after she told him that she was certified.

The claimant's boyfriend worked in the livestock area. On August 2, the claimant went into the livestock area even though she was not authorized. The manager who caught her in the area before approached her and asked her if she was certified to be in the area. She falsely asserted that she was certified. The manager went back to the certification logs and discovered

the claimant was not TQA certified and informed human resources. The claimant admitted to human resources that she had obtained the sticker so she could visit her boyfriend in the livestock area.

She was suspended on August 2, 2013, for her conduct pending a determination of the appropriate discipline. Since she was in an hourly manager position, the employer's policy requires an internal investigation and review by a disciplinary panel. It reached a decision on August 31, 2013, to discharge the claimant for dishonesty and misrepresentation about the TQA certification.

### **REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant was discharged for work-connected misconduct as defined by the unemployment insurance law.

The unemployment insurance law disqualifies claimants discharged for work-connected misconduct. Iowa Code § 96.5-2-a. The rules define misconduct as (1) deliberate acts or omissions by a worker that materially breach the duties and obligations arising out of the contract of employment, (2) deliberate violations or disregard of standards of behavior that the employer has the right to expect of employees, or (3) carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design. Mere inefficiency, unsatisfactory conduct, failure in good performance as the result of inability or incapacity, inadvertencies or ordinary negligence in isolated instances, or good faith errors in judgment or discretion are not misconduct within the meaning of the statute. 871 IAC 24.32(1).

The findings of fact show how I resolved the disputed factual issues in this case by carefully assessing the credibility of the witnesses and reliability of the evidence and by applying the proper standard and burden of proof. The claimant's testimony that she thought the manager was joking when he asked her about whether she was certified is not at all credible. He certainly was not joking when he informed her before that she was not to be in the livestock area. She would have no reason to believe that he was joking with her about the certification. She misrepresented to him that she was certified. Because she was untruthful about this, it undercuts her testimony that the supervisor gave her a sticker without asking her if she was certified and her testimony that she did not know she had to complete the TQA certification to get the sticker.

The claimant's violation of a known work rule was a willful and material breach of the duties and obligations to the employer and a substantial disregard of the standards of behavior the employer had the right to expect of the claimant. Work-connected misconduct as defined by the unemployment insurance law has been established in this case.

**DECISION:**

The unemployment insurance decision dated August 30, 2013, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs